

## **REMARKS/ARGUMENTS**

In the Office action dated October 2, 2006, the Examiner rejected claims 8-10 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 of U. S. Patent No. 6,631,410 B1, the parent of the instant Application. Claims 5-6 stand rejected under 35 U.S.C. § 112, 2d paragraph as being indefinite. Claim 5 has been amended to resolve this issue.

In the Specification, no changes

In the Claims, claim 5 is amended.

The Examiner correctly pointed out that the term  $T_D$  was used inconsistently between claims 4 and 5. The use in claim 4 is correct, and the term has been removed from claim 5 to resolve the inconsistency. Support for the correct language of claim 5 may be found in the Specification, page 11, line 2 through page 12, line 18.

A terminal disclaimer, and the requisite fee, accompanies this Response.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

### **Provisional Request for Extension of time in Which to Respond**

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any

additional fees which may be required, or credit any over-payment to Account No. 22-0258.

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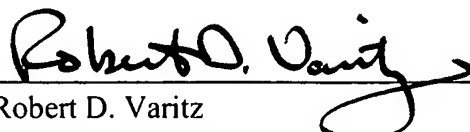
Respectfully Submitted,

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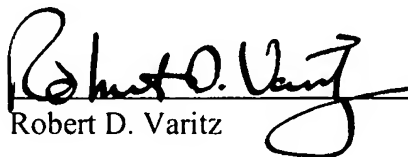
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I hereby certify that the attached RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111, terminal disclaimer and a PTO Form 2038 credit card authorization in the amount of \$130.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

  
Robert D. Varitz